

	Montana Mental Health Nursing Care Center Policy Manual	Policy Number	1104
		Original Date	03/01/1984
		Revised Date	07/09/2015
	Department: Social Services Abuse, Misappropriations, and/or Neglect of Residents		

POLICY:

State law prohibits abuse, exploitation, mistreatment and/or neglect of any resident. The resident has the right to be free from verbal, sexual, physical, and mental abuse, corporal punishment, and involuntary seclusion.

DEFINITIONS:

Abuse shall be defined as the willful infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain, or mental anguish.¹

This also includes the deprivation by and individual, including a caretaker, of goods or services that are necessary to attain or maintain physical, mental, and psychosocial well being. This presumes that instances of abuse of all residents, even those in a coma, cause physical harm, or pain or mental anguish.

Verbal abuse is defined as the use of oral, written or gestured language that willfully includes disparaging and derogatory terms to residents or their families, or within their hearing distance regardless of their age, ability to comprehend, or disability

Sexual abuse includes, but is not limited to, sexual harassment, sexual coercion, or sexual assault.

Physical abuse includes hitting, slapping, pinching and kicking. It also includes controlling behavior through corporal punishment.

Mental abuse includes, but is not limited to, humiliation, harassment, and threat of punishment or deprivation.

Involuntary seclusion is defined as separation of a resident from other residents or from his/her room or confinement to his/her room (with or without roommates) against the resident's will or the will of the resident's legal representative. Emergency or short term monitored separation from other residents will not be considered involuntary seclusion and may be permitted if used for limited period of time as therapeutic intervention to reduce agitation until professional staff can develop a plan of care to meet the resident's need.

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Neglect means failure to provide goods and services necessary to avoid physical harm, mental anguish, or mental illness.

Misappropriation of resident property means the deliberate misplacement, exploitation, or wrongful, temporary permanent use of a resident's belongings, or money without the resident's consent.

PROCEDURE:**1. Screening:**

- A. The personnel office will attempt to obtain information from previous employers and licensing boards on potential direct care employees for a history of abuse, neglect or mistreatment of residents.

2. Training:

- A. Employees will receive orientation and on-going training sessions on the following issues.
 - 1. Appropriate interventions to deal with aggressive residents (direct care staff):
 - 2. How staff should report their knowledge of allegations without fear of reprisal;
 - 3. How to recognize signs of burnout, frustration and stress that may lead to abuse; and
 - 4. What constitutes abuse, neglect and misappropriation of resident's property.
- B. Provide families with information on what constitutes abuse.

3. Prevention:

- A. Staff wings appropriately:
- B. Staff is supervised;
- C. Assess, care plan and monitor residents with difficult behaviors.

4. Identification:

- A. An employee subject to physical violence or probable attack by a resident should seek assistance from other staff. If any employee must defend against a violent resident attack, only such force as is necessary to safeguard the resident and the employee is to be used.
- C. Employees must report all suspected abuse to their immediate supervisor. Failure to do so may result in disciplinary action, up to and including termination. The supervisor will ensure all allegations are documented in writing and signed by the reporting employee. The supervisor will inform the Superintendent or designee (Director of Nursing, RN Nurse Supervisor, Charge Nurse) shall send an initial report of the allegation (pending further investigation) by completing a Resident Abuse/Neglect/Exploitation Reporting Form (Attachment #1) and faxing the form to the Certification Bureau (Fax: 406-444-3456 or by sending by E-Mail: MTSSAD@mt.gov), AMDD Administrator (Fax: 406-444-4435), State Ombudsman (Fax 406-444-7743) & Board of Visitors (Fax 406-444-3453) by the end of the next day. Note on report that investigation will be conducted.
- D. Residents may report abuse, exploitation, mistreatment and or neglect by either informing a social worker that will assist them in completing a resident grievance form (see Policy #1105 Resident Rights Grievance Procedures) or by informing a licensed nurse of the incident.
- E. Residents' families may report suspected abuse to the facility's social worker or directly to the Superintendent or designee.

5. Investigation/Reporting:

- A. The Charge Nurse will examine and assess the resident. An Incident/Accident Report Form describing the nature of the physical abuse, mistreatment and/or neglect will be completed, noting residents involved if resident to resident abuse or assault and staff that witnessed the incident.
- B. Once the investigation has been completed the Superintendent or designee (Director of Nursing, RN Nurse Supervisor or Charge Nurse) will send a final report of the incident by completing the 5 Day Investigation Results Report on the Resident Abuse/Neglect/Exploitation Reporting Form (Attachment #1) and faxing the form to the Certification Bureau (Fax: 406-444-3456) or sending by (E-Mail: MTSSAD@mt.gov) AMDD Administrator (Fax: 406-444-4435), State Ombudsman (Fax: 406-444-7743 and Board of Visitors (Fax: 406-444-3543).

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- C. The Superintendent or designee shall determine the need for immediate removal of the suspected employee from the work place after notification of an incident.
- D. Human Resources will conduct an investigation as soon as possible following the first report.
- E. After fact finding through the investigation, the Human Resource department and the Superintendent will determine if abuse, mistreatment and/or neglect had occurred. The Superintendent or designee will notify the suspected employee of the results of the investigation and the final determination will be given the employee in writing..
- F. The resident's guardian or responsible person will be notified of the findings and subsequent actions of the Superintendent or designee in all abuse, mistreatment and/or neglect cases. In serious cases, the guardian or responsible person will be notified at the time of the incident.
- G. The Superintendent or designee must report all cases of abuse, mistreatment and/or neglect or the allegation of abuse or neglect that may constitute a criminal act to the Lewistown Police (Fax to Lewistown Policy Chief 535-7407) within 24 hours and in the case of serious bodily injury within 2 hours